

ORIGINAL

ILLINOIS
COMMERCE
COMMISSION

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

JUL 5 9 51 AM '01

BEFORE THE

CHIEF CLERK'S OFFICE

Illinois Commerce Commission

DOCKET NO. 01-0430

IN THE MATTER OF:

VERIZON NORTH, INC.,
VERIZON SOUTH, INC. and
SNAPPY PHONE OF TEXAS, INC.

PLACE: Chicago, Illinois

DATE: June 21, 2001

PAGES: 1-10

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TWO NORTH LA SALLE STREET
SUITE 1780

CHICAGO, ILLINOIS 60602
312-782-4705

SPRINGFIELD, ILLINOIS
217-528-6964

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 IN THE MATTER OF:)

4 VERIZON NORTH, INC.,)

5 VERIZON SOUTH, INC., and)

6 SNAPPY PHONE OF TEXAS, INC.)

7) No. 01-0430

8 Joint Petition of Verizon North Inc.,)

9 Verizon South Inc., and Snappy Phone)

10 of Texas, Inc. For Approval Pursuant)

11 to 47 U.S.C. Section 252(a)(1) and)

12 252(e), of a Resale Agreement.)

13 Chicago, Illinois

14 June 21, 2001

15 Met pursuant to notice at 10:30 a.m.

16 BEFORE:

17 MR. JOHN RILEY, Administrative Law Judge.

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APPEARANCES:

HUNTON AND WILLIAMS, by
MR. DOUGLAS DZIAK
1900 K Street Northwest
Washington, D.C. 20006
appearing for Verizon;

MR. JAMES WEGING
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601
appearing for Commission staff.

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I N D E X

Re- Re- By

Witnesses: Direct Cross direct cross Examiner
None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None marked.		

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call
3 Docket 01-0430, this is a joint petition of Verizon
4 North and Verizon South and Snappy Phone of Texas,
5 Incorporated, for approval of a resale agreement
6 pursuant the 47 U.S.C. Sections 252(a)(1) and 252(e)
7 of the Telecommunications Act of 1996.

8 Mr. Weging, beginning with you, could
9 you enter an appearance for the record, please.

10 MR. WEGING: James Weging, W-e-g-i-n-g, 160 North
11 LaSalle Street, Suite C-800, Chicago, Illinois 60601
12 (312) 793-2877 appearing on behalf of Commission
13 staff.

14 JUDGE RILEY: And Mr. Dziak.

15 MR. DZIAK: Yes, this is Douglas Dziak of the law
16 firm of Hunton and Williams, my business address is
17 1900 K Street Northwest, Washington, D.C. 20006 and
18 I'm appearing on behalf of Verizon North and Verizon
19 South.

20 JUDGE RILEY: Thank you. And has anyone been in
21 touch with counsel for the other party, Snappy Phone
22 of Texas, Incorporated?

1 MR. WEGING: I have not.

2 MR. DZIAK: I have not either. I have not heard
3 from them.

4 JUDGE RILEY: It was brought to my attention by
5 Commission staff that the other party, Snappy Phone
6 of Texas, has not obtained a certificate.

7 MR. WEGING: That is my understanding from staff
8 that they do not have a certificate and that,
9 further, when they contacted the Snappy people about
10 this, the response I understand was that, Kick this
11 case over for 60 days. Of course, with the time
12 limits involved on this, we can't really do that.

13 Mr. Graves? Chris?

14 MR. CHRISTOPHER L. GRAVES: Yes, I'm here.

15 MR. WEGING: Did you have that conversation with
16 the people from Snappy or was it somebody else?

17 MR. CHRISTOPHER L. GRAVES: That was Sandra who
18 had that conversation.

19 MR. WEGING: So we're all working on a lot of --
20 elongated hearsay but we do aver that Snappy does
21 not have a certificate to operate in the state of
22 Illinois and does not appear to be ready to apply

1 for one either.

2 JUDGE RILEY: In other words, there hasn't even
3 been a filing to your understanding then?

4 MR. WEGING: That's my understanding, yes.

5 MR. DZIAK: And to be honest, on behalf of
6 Verizon, that's the first we've heard of it because
7 I sent them the petition which -- obviously,
8 Paragraph 2 says that they are certificated in the
9 state of Illinois and I asked them to review that
10 for the veracity, truthfulness and to double-check
11 all those matters and they didn't say anything and
12 he signed it so I was working under the assumption
13 that they had received certification.

14 MR. WEGING: Well, I was wondering that -- in
15 view of the fact that no one is here from Snappy and
16 we're all operating to a certain extent on hearsay,
17 while I think it's good hearsay, I was wondering if
18 maybe we should kick this case over for three weeks
19 and in the meantime we can see what goes on and if
20 this is, in fact, the way this remains, then I will
21 move to dismiss the petition but it would be nicer
22 if we could get a hold of someone to say we withdraw

1 it.

2 MR. DZIAK: And Verizon has no objection to
3 withdrawing the refiling if that helps.

4 JUDGE RILEY: Okay. I appreciate that. The only
5 problem is we need the other party's concurrence and
6 we don't know where they are or what they're doing
7 at this point.

8 Mr. Dziak, did I understand you to say
9 that you were under the impression that Snappy Phone
10 did represent that they had a certificate in
11 Illinois or had at least applied for a certificate?

12 MR. DZIAK: Well, in Paragraph 2 of the joint
13 petition which is a standard joint petition that we
14 use over, Paragraph 1 is that Verizon is a
15 certificated provider of various telecommunications
16 services. Paragraph 2 is just a CLEC paragraph
17 representing that and I forwarded that to the CLEC
18 for review and signature and request that they
19 review it for its accuracy. And I assumed when he
20 signed it that I guess Mr. Arthur Magee (phonetic)
21 signed it and I'm not -- I don't exactly recall -- I
22 don't think he was an attorney, I think he was an

1 officer of some sort of the company, or at least
2 somebody who could make those representations. And
3 I also always suggest that they review it with
4 counsel for its accuracy as having been prepared by
5 counsel for Verizon. And I just -- when he returned
6 it without changes, I assumed that to be the case,
7 but that's the only basis I have for that
8 assumption.

9 JUDGE RILEY: And what it amounts to is that we
10 can't proceed until we find out from Snappy Phone
11 what their status is and I think, Mr. Wegin, your
12 remark is well taken that what we're operating on
13 here right now is hearsay, we don't have any hard
14 information.

15 Today is the 21st of June and you
16 suggested three weeks?

17 MR. WEGING: Yes.

18 JUDGE RILEY: I would note that there's a
19 deadline in this matter of September 4 so three
20 weeks is probably going to be the absolute maximum
21 insofar as the Commission, I believe, only meets
22 once in August. It's going to be -- we're going to

1 be very hard pressed to get an order to them before
2 the deadline if we continue any farther beyond.

3 MR. WEGING: If it turns out that for some reason
4 this is wrong and they have a certificate and this
5 can go ahead, well, we still have time to do it and
6 we also have time to get a dismissal order out of
7 the Commission if we don't hear from Snappy.

8 JUDGE RILEY: The Snappy people.

9 MR. WEGING: I was told that there is a letter
10 somewhere that we received but I'm not sure. I
11 haven't seen it myself.

12 JUDGE RILEY: I'll take another look. It may --
13 for all I know it might be on E-Docket.

14 What date do we want to get back
15 together? Sometime in the second week of July, I
16 would presume.

17 MR. WEGING: Yeah.

18 JUDGE RILEY: That's the week of the 9th.

19 MR. DZIAK: I will actually be out of the country
20 on the 9th and 10th. If possible, can we bump that
21 to the 11th, 12th or 13th?

22 MR. WEGING: How about the 12th?

1 JUDGE RILEY: 12th would be fine with me. I have
2 a matter up at 10:00, but it shouldn't take too
3 long. Can we meet at approximately 11:00 a.m.
4 Central time?

5 MR. DZIAK: I can set another phone bridge up.

6 JUDGE RILEY: That would be fine. I'll set that
7 for hearing but we'll be open-minded about it. If
8 we can go to hearing that day, we certainly will but
9 we'll discuss the status under any circumstances and
10 find out where we are. Hopefully by then we'll have
11 a much clearer picture of Snappy Phone status. Is
12 that acceptable?

13 MR. DZIAK: That's fine with Verizon.

14 JUDGE RILEY: All right. I will continue Docket
15 01-0430 to July 12, Thursday, at 11:00 a.m. Central
16 time and we will discuss the status of this matter
17 at that time.

18 Thank you, Mr. Dziak.

19 (Whereupon, the above-entitled
20 matter is continued to
21 July 12, 2001 at 11:00 a.m.)
22

CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
COUNTY OF COOK)

CASE NO. 01-0430

TITLE: Verizon North, Inc., Verizon South, Inc.,
and Snappy Phone of Texas, Inc.

I, Giraida B. Bordabeheres do hereby certify
that I am a court reporter contracted by SULLIVAN
REPORTING COMPANY, of Chicago, Illinois; that I
reported in shorthand the evidence taken and the
proceedings had in the hearing on the above-entitled
case on the 21st day of June A.D. 2001; that the
foregoing 10 pages are a true and correct transcript
of my shorthand notes so taken as aforesaid, and
contains all the proceedings directed by the
Commission or other person authorized by it to
conduct the said hearing to be stenographically
reported.

Dated at Chicago, Illinois, this 29th day
of June A.D. 2001.


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